

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JOSHUA FRAUSTRO and MIGUEL
AGUILAR a/k/a KEMIKAL956,

Plaintiffs,

v.

BELCALIS ALMANZAR a/k/a CARDI B,
JOSHIA I. PARKER a/k/a OG PARKER,
JAMES D. STEED a/k/a DJ SWANQO,
CELEBRITY BOOKING AGENCY,
ATLANTIC RECORDS, and WARNER
MUSIC GROUP,

Defendants.

Civil Action File No.
7:24-CV-00264

**PLAINTIFFS' NOTICE OF DISMISSAL AS TO
DEFENDANT JOSHUA I. PARKER a/k/a OG PARKER**

Pursuant to Rule 41(a)(1)(A(i) of FED R. CIV. P., Plaintiffs Joshua Fraustro and Miguel Aguilar a/k/a Kemikal956 ("Plaintiffs"), files this Notice of Voluntary Dismissal as to Defendant Joshua I. Parker a/k/a OG Parker ("Defendant Parker"), and respectfully shows unto the court:

I. PROCEDURAL BACKGROUND

1. Plaintiffs filed this action on July 3, 2024. (ECF No. 1.)
2. Request for Summons was issued upon Defendant Parker on July 3, 2024 (ECF No. 6).
3. Plaintiffs filed an Amended Complaint on August 2, 2024. (ECF No. 15.)
4. Request for Summons was issued upon Defendant Parker on September 18, 2024 (ECF No. 21)
5. Defendant Parker has not filed. an answer or a motion for summary judgment in this cause of action.

II. SUBJECT MATTER JURISDICTION

6. The court has subject matter jurisdiction over all Defendants for the claims alleged in Plaintiffs' Amended Complaint. *Fonovisa, Inc. v. Cherry Auction, Inc.*, 76 F.3d 259 (9th Cir. 1996); *Gershwin Publ'g Corp. v. Columbia Artists Mgmt., Inc.*, 443 F.2d 1159 (2d Cir.1971); *Lanham Act*, 15 U.S.C. § 1125(a)); *FMC Finance Corp. v. Murphree*, 632 S.W.2d 600 (Tex. 1982); *Vortt Exploration Company, Inc. v. Chevron U.S.A., Inc.*, 787 S.W.2d 942 (Tex. 1990); *Wrench LLC v. Taco Bell Corp.*, 256 F.3d 446 (6th Cir. 2001); *Kewanee Oil Co. v. Bicron Corp.*, 416 U.S. 470 (1974); *Quick Techs., Inc. v. Sage Group PLC*, 313 F.3d 338, 343 (5th Cir.2002) (quoting *Wilson v. Belin*, 20 F.3d 644, 648 (5th Cir.1994).

7. Defendant Parker, a music artist, has personal stake in the outcome of the controversy as he collaborated with Defendant Belcalis Almánzar a/ka/ Cardi B on the music production made basis of this complaint and therefore the court has jurisdiction over the matter. 28 U.S.C. § 1332, *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853 (2003), *St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250 (1998), *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326 (1995), *Dixie Electric, LLC v. Jarwin*, Not Reported in Fed. Supp. (2017).

III. PERSONAL JURISDICTION

8. A party who purposefully availed themselves of the privilege of conducting activities within that forum, thus invoking the benefits and protections of its laws submits to personal jurisdiction within the forum. *Loyalty Conversion Systems Corporation v. American Airlines, Inc.*, 66 F.Supp.3d 795 (2014), *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873 (2011).

9. A music artist can submit to personal jurisdiction in a forum by routinely performing in that forum. *Scott v. White*, 539 F.Supp.3d 831 (2021); *Luciano v. SprayFoamPolymers.com, LLC*, 625 S.W.3d 1 (2021).

10. While Plaintiffs establish a prima facie case for personal jurisdiction over Defendant Belcalis Almánzar a/ka/ Cardi B who clearly routinely conducts activities within the forum, availed herself of the privilege of conducting activities within this forum, thus invoking the benefits and protections of its laws and is the primary artist who infringed on Plaintiffs' rights and work product of the song "Greasy Frybread", re-recorded and released directly by Defendant Belcalis Almánzar a/ka/ Cardi B as "Enough (Miami)", (ECF No. 15; ECF No. 30; ECF No. 36), Plaintiffs cannot at first glance show the same as to Defendant Parker.

WHEREFORE, PREMISES CONSIDERED, in the interest of judicial efficacy and to expedite proceedings, Plaintiffs file this Notice of Voluntary Dismissal as to Defendant Joshua I. Parker a/k/a OG Parker.

Dated: December 2, 2024.

Respectfully Submitted,

/s/ Robert R. Flores

Robert R. Flores

Texas Bar No. 24071887

S.D. Tex. Bar No. 2331246

ROBERT R FLORES LAW FIRM PLLC

612 W. Nolana Ave., Suite 310

McAllen, Texas 78504

(956) 329-1099 (telephone)

robert@rrfloreslaw.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2024, I electronically filed on this date the foregoing Notice of Voluntary Dismissal as to Defendant Joshua I. Parker a/k/a OG Parker with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all of the attorneys of record.

/s/ Robert R. Flores

Robert R. Flores